



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 2006-00167-YN

Issue Date: July 26, 2006

Expiration Date: August 28, 2006

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: British American, LLC.
4 British American Blvd.
Latham, NY 12110

ACTIVITY: Discharge fill material into waters of the United States to construct commercial office buildings and attendant features.

WATERWAY: Unnamed tributary to Shakers Creek in the Mohawk River basin.

LOCATION: Town of Colonie, Albany County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE,
otherwise, it will be presumed that there are no objections to the activity.

CENAN-OP-RW
PUBLIC NOTICE NO. 2006-00167-YN

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

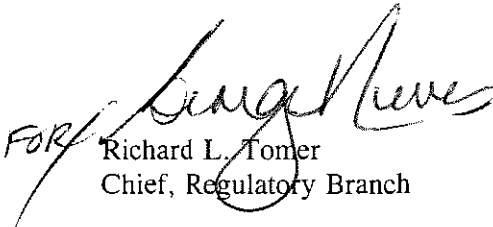
Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

In addition to any required water quality certificate, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

Town of Colonie
Albany County Department of Health
NYS Department of Environmental Conservation - Wastewater
Disposal System Approval

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (518) 270-0588 and ask for Brad Sherwood.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


FOR: Richard L. Tomer
Chief, Regulatory Branch

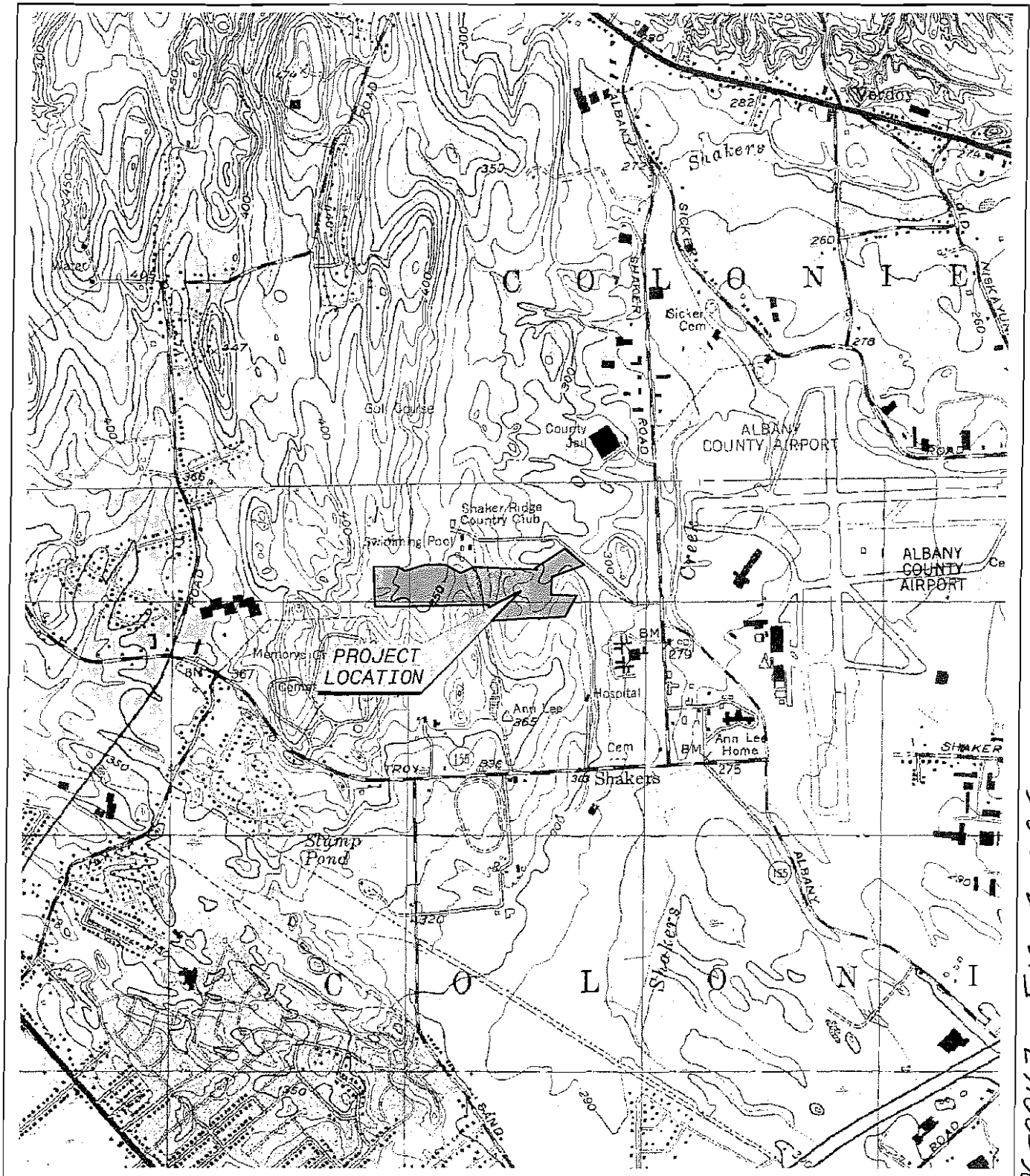
Enclosures

WORK DESCRIPTION


The applicant, British American, LLC., has requested Department of the Army authorization for the discharge of fill material into waters of the United States to facilitate the development of an office complex and associated parking. The site, which consists of 42.98 acres, is located at 798 Albany-Shaker Road in the Town of Colonie, Albany County, New York.

The project would consist of an office complex of two, four-story office buildings at 1000,000 square feet each, and two, two-story office buildings at 50,000 square feet each. In addition, a new internal road system and parking for 1,307 vehicles would be constructed. The applicant is proposing to impact 2.08 acres of jurisdictional forested wetlands, including a stream crossing, which would impact 80 linear feet of stream channel, and 0.47 acres of isolated wetlands. In 1997, Hilton Hotels purchased 4.03 acres of British American's original 47-acre site for the construction of a Hilton Garden Inn. The applicant has stated that 1.15 acres of primarily forested wetlands, and 105 linear feet of intermittent stream for the main access road off of Albany-Shaker Road, were impacted for construction of the hotel.




As mitigation for the proposed impacts to aquatic resources, the applicant is proposing to establish 3.9 acres of forested wetlands and enhance 1.45 acres on a site located at 625 Sand Creek Road. Both the mitigation and project sites are located within the Shakers Creek watershed. The 7.84-acre mitigation site, and 14 acres on the project site, which includes approximately 8 acres of wetlands, would be set aside for preservation.

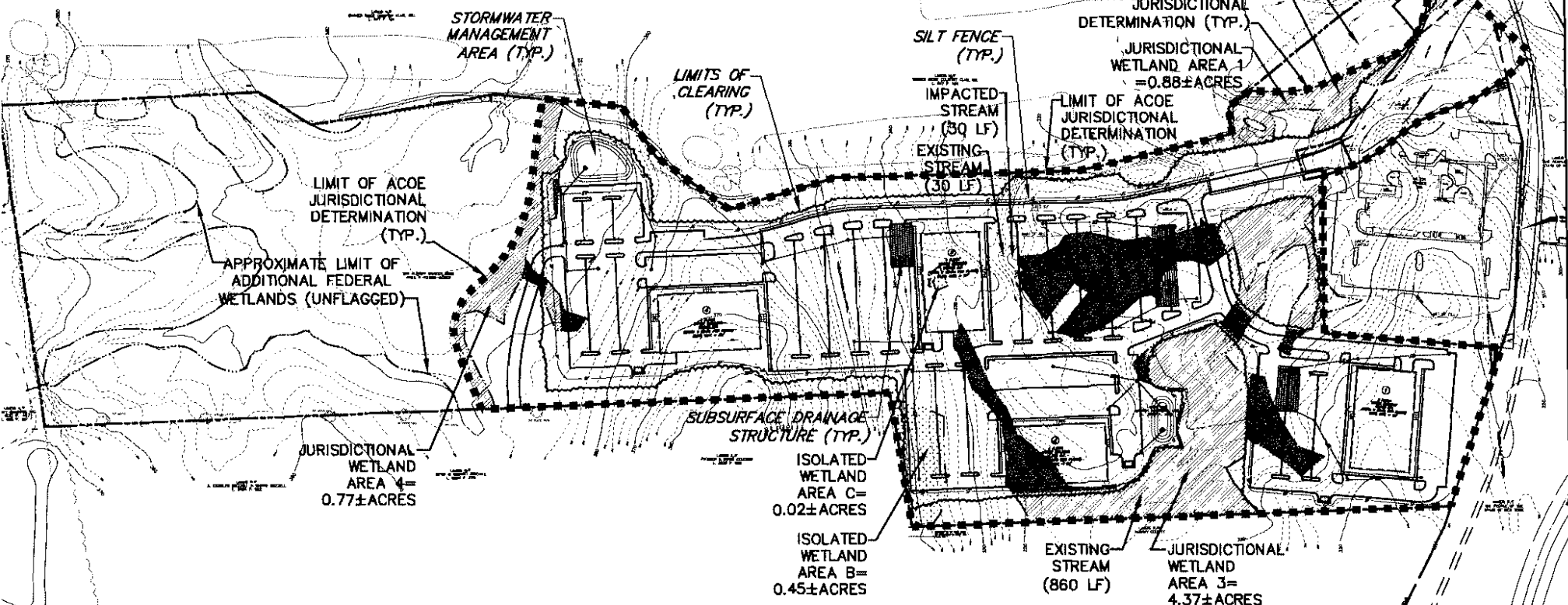


2006-00167 Fig. 1 of 6

	<div data-bbox="427 1792 678 1875" data-label="Image"> </div> <div data-bbox="367 1881 622 1902" data-label="Text"> <p>CLOUGH HARBOUR & ASSOCIATES LLP</p> </div> <div data-bbox="268 1943 462 1984" data-label="Text"> <p>Scale 1" = 2000'</p> </div> <div data-bbox="558 1926 758 1999" data-label="Text"> <p>CHA File No: 14728.1001.1106</p> </div>	<div data-bbox="957 1781 1324 1833" data-label="Section-Header"> <h2>Project Location Map</h2> </div> <div data-bbox="925 1916 1356 2020" data-label="Text"> <p>British American Plaza 798 Albany Shaker Rd., Colonie, NY Albany USGS Quad</p> </div>
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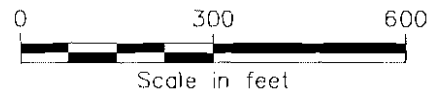
LEGEND

-  JURISDICTIONAL WETLANDS
262,060 S.F. / 6.02 Ac.
-  ISOLATED WETLANDS
20,627 S.F. / 0.47 Ac.
-  JURISDICTIONAL WETLANDS TO BE FILLED
90,605 S.F. / 2.08 Ac.







TOTAL SITE AREA: 42.98 AC

TOTAL BUILDING AREA: 300,000 SF



LEGEND

-  SILT FENCE
-  INLET PROTECTION
-  RIP RAP OUTLET PROTECTION
-  LIMITS OF CLEARING & GRADING



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 111 Winners Circle, PO Box 5289 • Albany, NY 12205-0289
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BRITISH AMERICAN PLAZA
 CONCEPT EROSION CONTROL PLAN
 798 ALBANY SHAKER ROAD, LATHAM, NY

SCALE: 1"=300'

PROJECT NO.
14728

DATE: 6-1-06

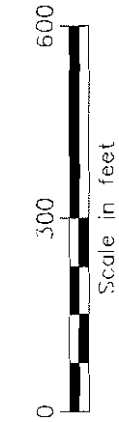
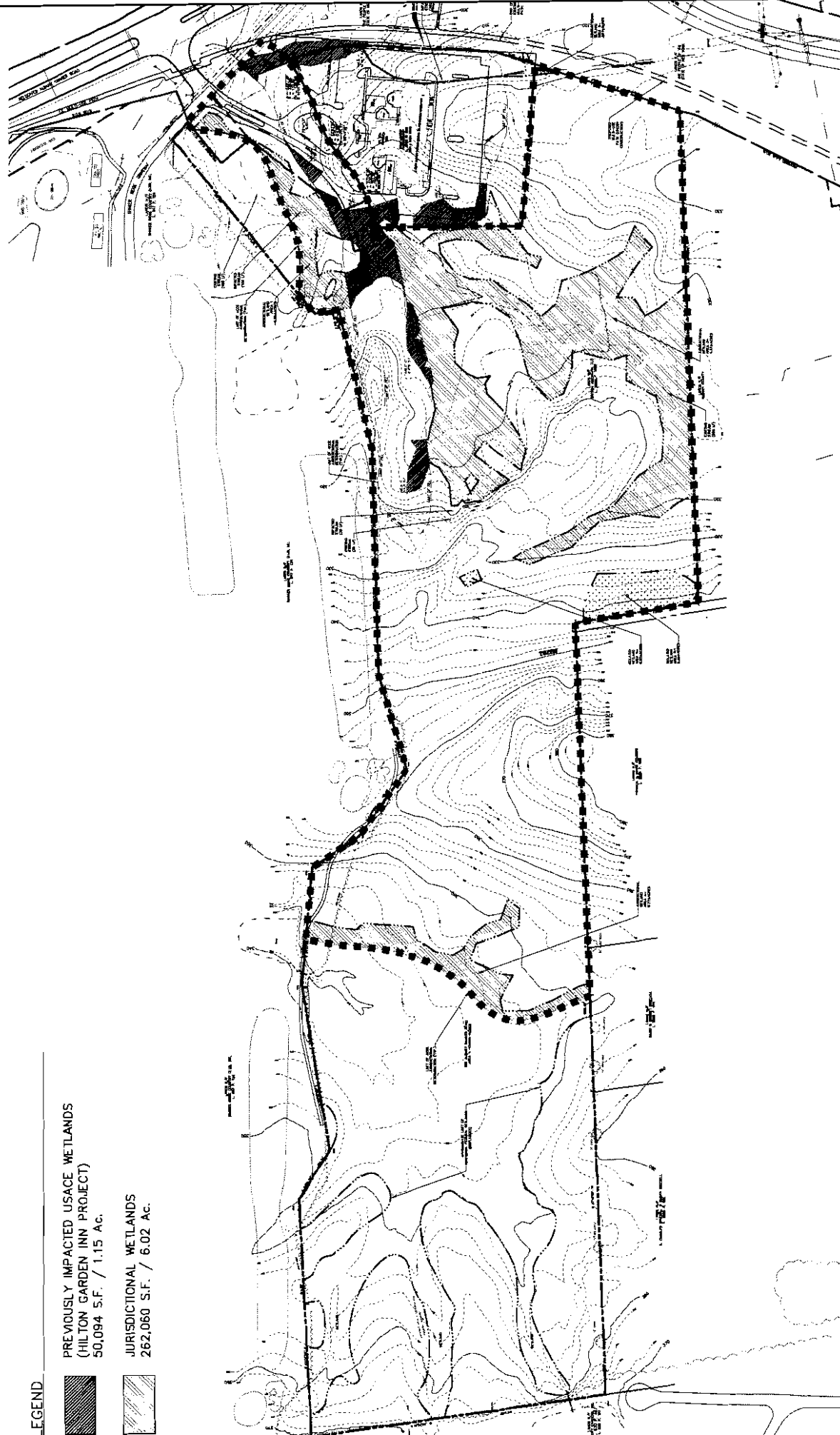
FIGURE ALT-1

2006-00167 Fig 2 of 6

LEGEND

PREVIOUSLY IMPACTED USACE WETLANDS
(HILTON GARDEN INN PROJECT)
50,094 S.F. / 1.15 Ac.

JURISDICTIONAL WETLANDS
262,060 S.F. / 6.02 Ac.



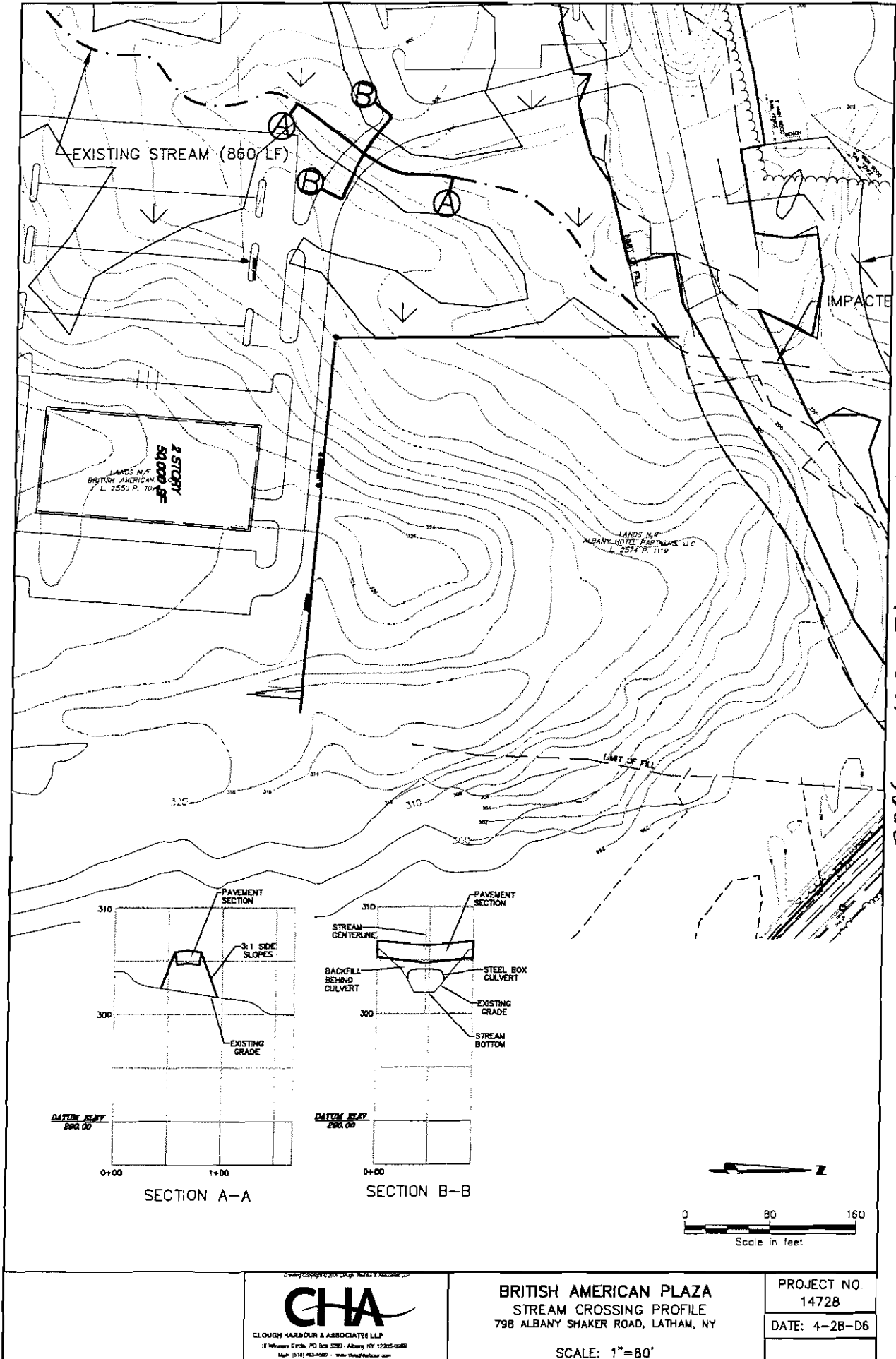
CLOUGH HARBOUR & ASSOCIATES LLP
111 Winnetta Circle, PO Box 5269, Albany, NY 12205
Main: (518) 453-4500 • www.cloughharbour.com

HILTON GARDEN INN
PREVIOUSLY IMPACTED WETLANDS
800 ALBANY SHAKER ROAD, LATHAM, NY

SCALE: 1" = 300'

PROJECT NO.
14728

DATE: 6-1-06



2006-00167 Fig. 4 of 6

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CLOUGH HARBOURS & ASSOCIATES LLP
18 Wilshire Circle, P.O. Box 2780 - Albany NY 12205-0280
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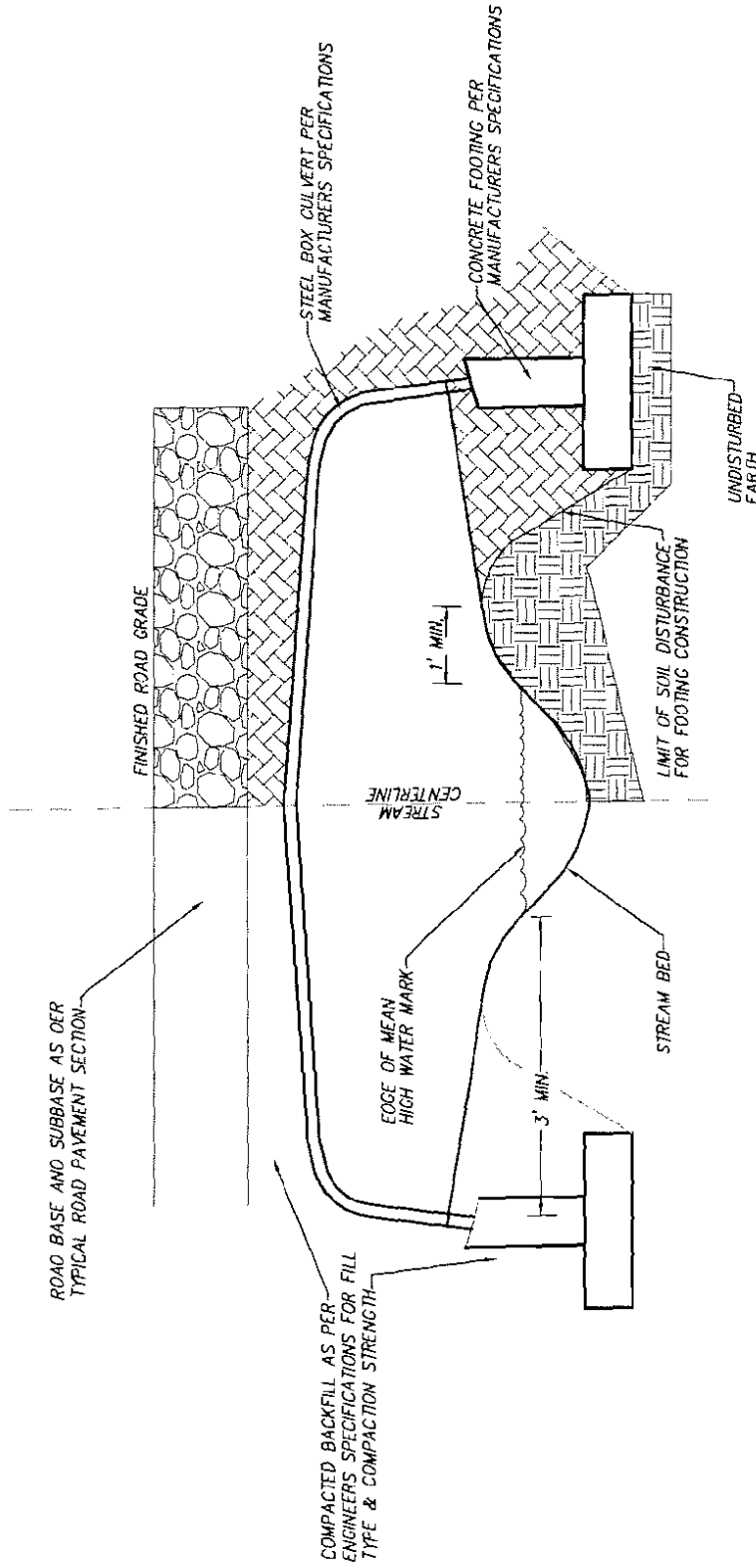
BRITISH AMERICAN PLAZA
STREAM CROSSING PROFILE
798 ALBANY SHAKER ROAD, LATHAM, NY

SCALE: 1"=80'

PROJECT NO.
14728

DATE: 4-28-06

2006-00167 Fig. 5 of 6



TYPICAL BOTTOM CULVERT STREAM CROSSING DETAIL
NO SCALE



BRITISH AMERICAN PLAZA
STREAM CROSSING PROFILE
798 ALBANY SHAKER ROAD, LATHAM, NY

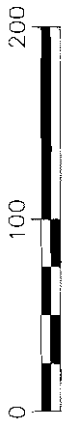
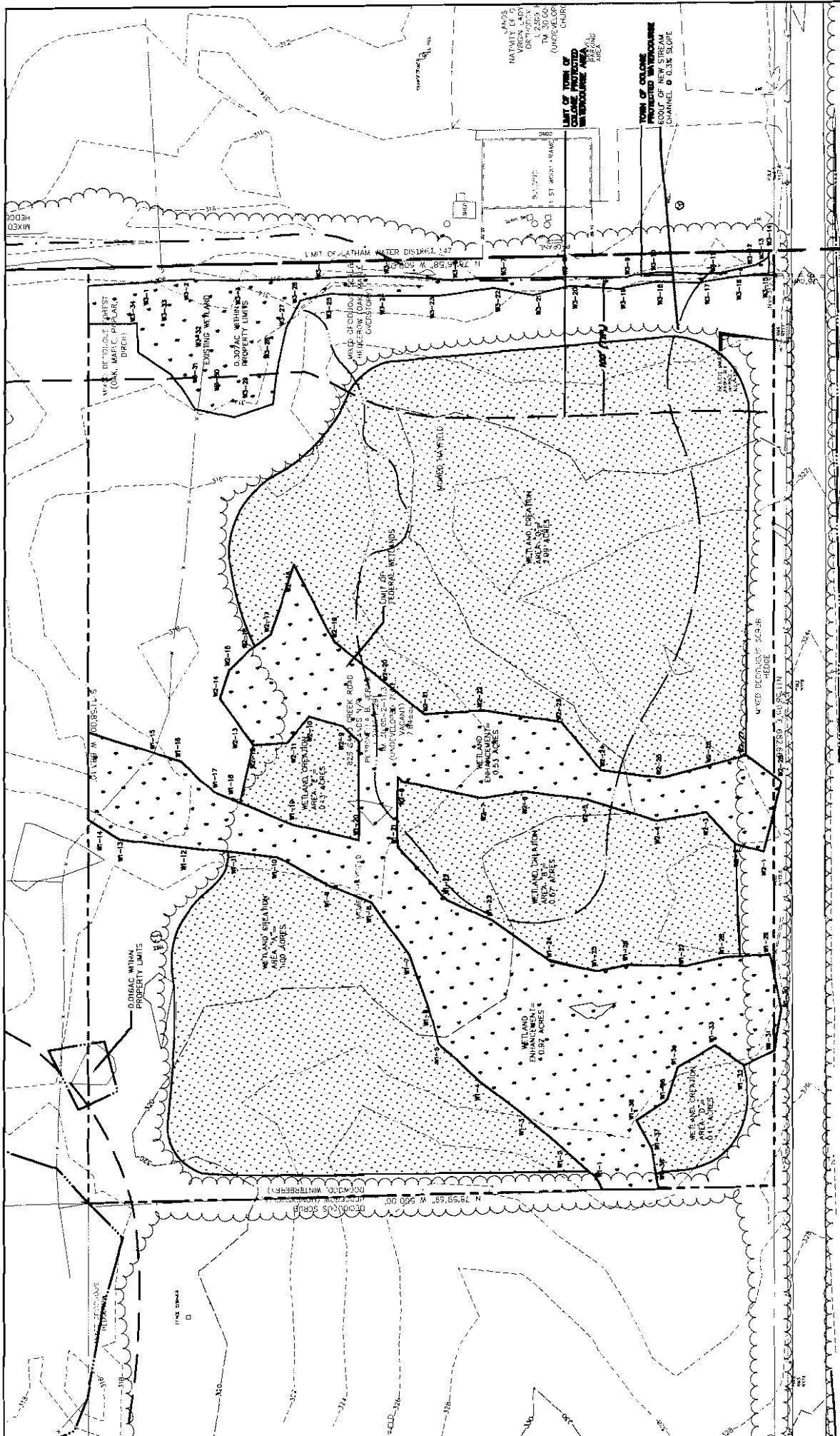
PROJECT NO.
14728

DATE: 4/28/06

FIGURE 1

SCALE: 1" = 80'

2006-00167 Fig. 5 of 6



Scale in feet

SITE DATA:

TOTAL PARCEL SIZE=7.84± ACRES
FEDERAL WETLANDS=1.76± ACRES
PROPOSED WETLAND MITIGATION AREA=5.35± ACRES
(INCL. 3.90±ACRES OF CREATED WETLANDS AND
1.45±ACRES OF WETLAND ENHANCEMENT)



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CH&A
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**PROPOSED WETLAND
CREATION AREA**
625 SAND CREEK ROAD

PROJECT NO.
14728

DATE: 6-1-06